

BEFORE THE
MISSOURI ETHICS COMMISSION

Filed
MAR 31 2016
Missouri Ethics
Commission

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	Case No. 15-0067-I, 15-0068-I
v.)	
)	
JOSEPH (BOB) R. BARTELS,)	
)	
Respondent.)	

CONSENT ORDER

The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that Respondent Bartels violated Section 130.031.8(3), RSMo.

The Commission directs that the Joint Stipulation be adopted.

1. Respondent shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondent Bartels in the amount of \$100 pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable and sent to the Missouri Ethics Commission.

SO ORDERED this 31st day of March, 2016

By:



Nancy Hagan, Chair
Missouri Ethics Commission

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JOSEPH (BOB) R. BARTELS,)	
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Respondent.)	

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING
BEFORE THE MISSOURI ETHICS COMMISSION, AND
CONSENT ORDER WITH JOINT PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below.

The undersigned Respondent, Joseph (Bob) Bartels, acknowledges that he has received and reviewed a copy of the Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondent further acknowledges that he is aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all allegations against Respondent be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondent; the right to present evidence on Respondent's behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondent by operation of law, the undersigned Respondent knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of

Hearing before the Missouri Ethics Commission, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law, and agrees to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondent jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

JOINT PROPOSED FINDINGS OF FACT

1. The Missouri Ethics Commission is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.
2. Respondent Bartels is currently the president of the St. Mary Chamber of Commerce in St. Mary, Missouri.
3. Pursuant to Sections 105.957 and 105.961, RSMo, the Commission's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission.
4. Based on the investigation report, the Commission determined that there were reasonable grounds to believe that violations of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.
5. Respondent Bartels published, circulated, and/or distributed a letter, a true and accurate copy of which is attached hereto as Exhibit A, by mailing it to residents in St. Mary, Missouri.
6. The St. Mary's Chamber of Commerce paid for the printed matter referred to in Exhibit A.

7. The printed matter referred to in Exhibit A related to a ballot measure, and specifically to an initiative petition proposing a vote to dissolve the city of St. Mary, Missouri.

8. The letter referred to in Exhibit A should have contained a clear and conspicuous statement: "Paid for by St. Mary Chamber of Commerce, Robert Bartels, President, P.O. Box 38, St. Mary, MO 63673," but it did not.

JOINT PROPOSED CONCLUSIONS OF LAW

9. "Any person publishing, circulating, or distributing any printed matter relative to ... any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section." § 130.031.8, RSMo.

10. For purposes of Chapter 130, RSMo, a person is "an individual, group of individuals, corporation, partnership, committee, proprietorship, joint venture, any department, agency, board, institution or other entity of the state or any of its political subdivisions, union, labor organization, trade or professional or business association, association, political party or any executive committee thereof, or any other club or organization however constituted or any officer or employee of such entity acting in the person's official capacity." § 130.011(22), RSMo.

11. "[P]rinted matter" shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material; but 'printed matter' is defined to exclude ... any sign personally printed and constructed by an individual without compensation from any other person and displayed at that individual's place of residence or on that individual's personal motor vehicle; any items of personal use given away or sold, such as campaign buttons, pins, pens, pencils, book matches, campaign jewelry, or clothing, which is

paid for by a candidate or committee which supports a candidate or supports or opposes a ballot measure and which is obvious in its identification with a specific candidate or committee and is reported as required by this chapter; and any news story, commentary, or editorial printed by a regularly published newspaper or other periodical without charge to a candidate, committee or any other person.” § 130.031.8, RSMo.

12. For purposes of Chapter 130, RSMo, a ballot measure is “any proposal submitted or intended to be submitted to qualified voters for their approval or rejection, including any proposal submitted by initiative petition.” § 130.011(2), RSMo.

13. In regard to any printed matter paid for by a corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (9) of section 130.011 and not organized especially for influencing one or more elections, it shall be sufficient identification to print the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer. § 130.031.8(3), RSMo.

14. There is probable cause to believe that Respondent Bartels violated Section 130.031.8(3), RSMo, by publishing, circulating and distributing a letter to the residents of St. Mary, Missouri without including a complete and accurate “paid for by” disclosure statement on the letter.

II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The parties understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.
2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit 1.
 - a. Respondent shall comply with all relevant sections of Chapter 130, RSMo.
 - b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent Joseph (Bob) Bartels in the amount of \$100, pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable and sent to the Missouri Ethics Commission at the time of execution of this Joint Stipulation.
3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.
4. Respondent, together with his heirs, successors, and assigns, does hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including but not limited to, a claim for attorney's fees whatsoever which Respondent or

Respondent's attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.

RESPONDENT JOSEPH BARTELS

By: Joseph R. (Bob) Bartels
Joseph Bartels Date
3/28/16

PETITIONER MISSOURI ETHICS
COMMISSION

By: James Klahr 3/31/16
James Klahr Date
Executive Director

By: Curtis R. Stokes 3/31/16
Curtis R. Stokes Date
Attorney for Petitioner



ST. MARY CHAMBER OF COMMERCE

July 23, 2014

Hon. St. Mary Resident,

The St. Mary Chamber of Commerce is writing to each and every household in St. Mary asking that they do not sign the petition that Frank Gerardot wrote about in his publication, the *Sainte Marie's Grapevine*. He states that Maria Scherer is the chief petitioner for the petition to dissolve the City of St. Mary. We the members of the Chamber feel that we must speak out against such an action. This is not the answer for better living conditions but a road to ruin.

Many things that Mr. Gerardot writes about in his publication, the *Sainte Marie's Grapevine*, are unfounded and not feasible. Quote: "The reincorporation of the city of St. Mary has been talked about for decades." The truth is that Mr. Gerardot is the only one in recent years that has talked about dissolving the city. Each time he and his cohorts are told that their problems are not of the city's making he starts the talk of had petition and dissolving the city. A city is only as good as the people who live in it. This community has a large population of very fine upstanding citizens who keep their property clean and neat. We would like to see it stay that way. Without the rules and regulations of a city this community will not survive.

Again we ask that you think before you sign any petition to dissolve the city. Thank you for taking the time to read this letter and remember that many of the benefits you get for your city tax money will be lost if the city dissolves.

Sincerely,

The St. Mary Chamber of Commerce

EXHIBIT

A